

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
May 17, 2002

The Domestic Relations Committee met in Indianapolis, Indiana on Friday, May 17, 2002, from 10:30 a.m.- 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Robert R. Aylsworth, David Bonfiglio, Thomas J. Felts, Robyn L. Moberly; Michael P. Scopelitis; Kathy R. Smith; Richard G. Striegel; and Daniel F. Donahue, Chair.

2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.

3. Minutes approved. The minutes for the meeting of the committee on March 15, 2002 were approved.

4. Guests present. Ken Barlow, egov strategies; Mark Scott and Kurt Snyder, State Court Administrator's Office; and Robert Monday, PACE were also present.

5. Child Support Guideline review.

a. Mr. Bercovitz distributed all child support guideline comments received to committee members for discussion in advance of this meeting. They agreed to prepare draft changes to the guidelines in the following areas based on the comments:

(1) Joint/Shared and Split custody, including application of the 10% visitation credit, tax exemption and abatement – Judge Donahue;

(2) Presumption/Mandatory/Abatement of support during parenting time, including 50% abatement – Judge Smith;

(3) Basic Child Support Obligation Tables – too high at the low end and too low at the high end – Dr. Betson; Correction of number on table – Mr. Bercovitz;

(4) Child care for imputed income purposes – Magistrate Felts;

(5) Magistrate Brueseke letter – Magistrate Felts;

(6) College, including attribution of loan amounts to a child, requirement of loan application by child, 6% rule in college cases, transcripts from college to noncustodial parent, equal protection arguments – Judge Scopelitis;

(7) Government benefits – SSN, Disability, SSI, TANF, others – Judge Aylsworth;

(8) Gross Income – Inclusion of IRA benefits (see recent cases), Pensions, Inheritances (see recent cases), Retained Earnings, Sub – S corporations – Judge Moberly;

(9) Treatment of bonuses – Betson;

(10) Treatment of extraordinary medical expenses including orthodontia (installment and/or lump sum payments), medical payments, counseling – Judge Streigel;

(11) Application of parenting time credit to the Basic Child Support Obligation (Line 4 of Worksheet) rather than obligor's support amount – Dr. Betson.

The committee agreed to change references to parenting time from visitation together.

b. Committee members agreed by consensus to send their drafts (In Word if possible) of revised Child Support Guidelines to the Judicial Center by July 8 for circulation to the committee.

c. On-line support calculator. Mr. Ken Barlow presented an on-line child support guidelines calculator to the committee for the review. The committee agreed a website should be created with the

Child Support Guidelines Calculator. They agreed Mr. Barton should look at the “Hawley” stand alone program for comparison, change no. 4 to list children first, not “add” them; require the full case number to be used when printing worksheets to be filed with any court; permit completed worksheets to be saved to a diskette and other areas. In addition, they agreed to work sample cases (supplied by Mr. Bercovitz) under the calculator and send comments to Mr. Bercovitz within two weeks of receiving notice of the web address for this calculator. They agreed to try various cases in the calculator and bring revisions to the next meeting.

d. Timeline for revised guidelines. The committee members reviewed Trial Rule 80 that requires promulgation of new rules on July 1 and their effective date to be January 1 the following year. If revised guidelines are completed in December 2002, they believe it is unfair and potentially confusing to pro se litigants to wait for July 1, 2003 promulgation and a January 2004 effective date.

6. Next meeting dates. The members of the committee agreed to meet again on Friday, July 19 with a public hearing from 10:30 a.m. – 12:00 noon in the Supreme Court Courtroom and August 16, 2002 from 10:30 a.m. – 4:00 p.m. at the Judicial Center; September 11 from 10:30 a.m. – 12:00 noon, in conjunction with the September Conference in Ft. Wayne, and Friday, October 18, and November 15, 2002 and Friday, January 17, 2003 from 10:30 a.m. – 4:00 p.m. at the Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law